

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

TEWENIA CHANEL HARRIS

PLAINTIFF

V.

CIVIL ACTION NO. 1:21-CV-171-SA-DAS

AT&T CORPORATE OFFICE, et al.

DEFENDANTS

ORDER

The Court has considered the file and records in this action and finds that the Report and Recommendation [8] of the United States Magistrate Judge dated January 26, 2022 should be adopted and this action dismissed for failure to prosecute and failure to obey the orders of the court.

The plaintiff in this action is proceeding *pro se* and has been granted leave to proceed *in forma pauperis*. On December 28, 2021, this court set a *Spears* hearing to be held on January 24, 2022, for the purpose of screening this *pro se* action. *See Spears v. McCotter*, 766 F.2d 179 (5th Cir. 1985). The plaintiff failed to appear for that hearing.

On January 26, 2022, the Magistrate Judge entered his Report and Recommendation [8], recommending that the action be dismissed due to Harris' failure to appear. On February 14, 2022, the plaintiff filed an untimely Objection [9] to the Report and Recommendation [8]. The untimely Objection [9] stated that she was attempting to retain counsel, apparently by contacting out-of-state legal services programs. She said she contacted the Court on February 9, 2022, to see if an attorney had filed anything. She said she needed another court date.

In response to the untimely Objection [9], the Court—out of an abundance of caution and in recognition of the plaintiff's *pro se* status—reset the *Spears* hearing on May 2, 2022, to be held on July 18, 2022. *See* [10]. The plaintiff again failed to appear. *See* [11]. The record shows no

contact from the plaintiff since the filing of the untimely Objection [9] on February 14, 2022. She has manifested an intent to abandon this action and failed to prosecute the same. She has also failed to obey the order of the Court by her failure to appear at the duly noticed hearing.

The Court is of the opinion that the Report and Recommendation [8] should be approved and adopted as the opinion of the Court. Therefore, the Report and Recommendation [8] is ADOPTED IN FULL. The plaintiff's claims are hereby dismissed. This CASE is CLOSED.

SO ORDERED this the 3rd day of August, 2022.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE